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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,
12 vs.
13 PAUL MICHAEL MARCINIAK,
14 Defendant.

CASE NO.: 2:17-cr-00014-JAD-PAL

**STIPULATION TO CONTINUE
SENTENCING**

(SECOND REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant Paul Michael
16 Marciniak, by and through his attorney, Thomas A. Ericsson, Esq., and the United States of
17 America, by and through Steven W. Myhre, Acting United States Attorney, and Daniel
18 Cowhig, Assistant United States Attorney, that the sentencing hearing currently scheduled for
19 May 7, 2018, at the hour of 9:00 a.m., be vacated and continued until after mid-September of
20 2018, to a date and time that is convenient to this Honorable Court.

21 The request for a continuance is based upon the following:

- 22 1. The Government's investigation into related criminal activity of other defendants is
23 ongoing. The instant case is related to United States v. Boyar et al., 2:17-cr-21-JCM-
24 GWF.
25 2. This case is not yet ripe for sentencing.
26 3. The parties agree to continue the sentencing hearing until after mid-September.
27 4. Defense counsel has spoken to Assistant United States Attorney Daniel Cowhig, and
28 the Government has no objection to the continuance.

- 1 5. Defense counsel has spoken to Mr. Marciniak, who is not in custody, and he has no
2 objection to the continuance.
- 3 6. The additional time requested by this Stipulation to Continue Sentencing is reasonable
4 pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good
5 cause, change any time limits prescribed in this rule.”
- 6 7. The additional time requested herein is not sought for the purposes of undue delay.
- 7 8. Additionally, denial of this request for a continuance could result in a miscarriage of
8 justice.

9 DATED: April 30, 2018

10 Respectfully submitted,

11 /s/ Thomas A. Ericsson

12 Thomas A. Ericsson, Esq.
13 Oronoz & Ericsson, LLC
14 1050 Indigo Dr., Suite 120
15 Las Vegas, Nevada 89145
16 Attorney for Defendant Marciniak

17 /s/ Daniel Cowhig

18 Daniel Cowhig
19 Assistant United States Attorney
20 District of Nevada
21 501 Las Vegas Blvd. South, Suite 1100
22 Las Vegas, Nevada, 89101
23 Attorney for the United States of America

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL MICHAEL MARCINIAK,

Defendant.

CASE NO.: 2:17-cr-00014-JAD-PAL

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The Government's investigation into related criminal activity of other defendants is ongoing. The instant case is related to United States v. Boyar et al., 2:17-cr-21-JCM-GWF.
2. This case is not yet ripe for sentencing.
3. The parties agree to continue the sentencing hearing until after mid-September.
4. Defense counsel has spoken to Assistant United States Attorney Daniel Cowhig, and the Government has no objection to the continuance.
5. Defense counsel has spoken to Mr. Marciniak, who is not in custody, and he has no objection to the continuance.
6. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed in this rule."
7. The additional time requested herein is not sought for the purposes of undue delay.
8. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time to obtain transportation to Las Vegas, Nevada, for the sentencing, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for May 7, 2018, be vacated and continued to October 1, 2018, at the hour of 10:00 a.m.

DATED this 1st day of May, 2018.


UNITED STATES DISTRICT JUDGE